

Summary of Public Comments
Department of Health and Human Services
10-144, Chapter 104, Sections 2 & 4

The Department of Health and Human Services held a public hearing on July 11, 2006. Comments were accepted at the public hearing, by mail and electronically through July 21, 2006. Following is a summary of the public comments and the Department's responses. A Table of Commenters appears at the end of this document.

Section 2.06-1(B)(1) – Co-payments

1. **Comment:** With respect to a participant's obligation to pay co-payments to a retail pharmacy, the commenter suggests changing the language to say "up to *and including* a 90-day supply for generics." (Italics added.) (1)

Response: The Department agrees and has made this change in the final version of the rules.

Section 2.08 – Financial Participation (Co-payment)

2. **Comment:** The commenter suggests replacing "will" with "may" with respect to a pharmacy's right to deny service to a participant who refuses to pay the required co-payment. (1)

Response: The Department disagrees and made no changes to the final rules as a result of this comment. Co-payments for prescriptions under the DEL and Part D Wrap Benefits are required and not optional.

Section 4.03 – Eligibility

3. **Comment:** In the beginning of the second paragraph, the commenter suggests changing the language to read: "DEL participants *enrolled in Medicare* who are not MaineCare members..." (Italics added.) (1)

Response: The Department agrees and has made this change in the final version of the rules.

TABLE OF COMMENTERS

1. Jack Comart, Maine Equal Justice